

## **U.S. ENVIRONMENTAL PROTECTION AGENCY**

### **STATE/TRIBAL ENVIRONMENTAL OUTCOME WETLAND DEMONSTRATION PROGRAM GRANT PILOT (WDP)**

#### **INITIAL ANNOUNCEMENT – REQUEST FOR PROPOSALS (RFP) CFDA NUMBER 66.479**

#### **DATES:**

**ANNOUNCEMENT DATE (November 5, 2004)**

**SUBMISSION DATE (February 4, 2005)**

#### **I. FUNDING OPPORTUNITY DESCRIPTION**

##### **1. BACKGROUND**

The goals of the Environmental Protection Agency's (EPA) wetlands program include increasing the quantity and quality of wetlands in the U.S. by conserving, protecting and restoring wetland acreage and improving wetland health. In pursuing these goals, EPA seeks to build the capacity of all levels of government to develop and implement effective and comprehensive programs for wetlands protection and management.

Since FY 1990 EPA has awarded grant funds under the Wetlands Program Development Grants (WPDG) on a competitive basis to support the development or refinement of State, Tribal, and local government wetlands programs. A number of States and Tribes have developed comprehensive wetlands programs, but have not demonstrated the extent to which the programs have been effective in producing positive environmental results. Therefore, EPA is establishing a one-time State/Tribal Environmental Outcome Wetland Demonstration Program (WDP) grant pilot, within the broader WPDG, to investigate the effectiveness of and demonstrate environmental outcomes of comprehensive State and Tribal wetland programs. States and Tribes selected for funding must investigate and demonstrate the environmental outcomes of implementing a comprehensive wetland program (regulatory or non-regulatory) over a three-year project period.

The authority for the grant program is Section 104(b)(3) of the Clean Water Act (CWA) which restricts the use of these grant funds to improving wetland programs by conducting or promoting the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

##### **2. OBJECTIVE OF THIS GRANT SOLICITATION**

The purpose of this request for proposals (RFP) is to fund grants for demonstration projects designed to determine the extent to which wetland program implementation (both regulatory and non-regulatory) achieves positive environmental outcomes – in particular, no net loss, net gain and protection of vulnerable wetlands.

#### **II. AWARD INFORMATION**

1. **FUNDING LEVELS**

Subject to the availability of Federal appropriations, EPA anticipates that \$5 to \$8 million in FY 2005 funds will be available to award WDP grants. Each program area, regulatory and non-regulatory, will have a separate funding amount and funding for regulatory and non-regulatory program areas will be decided separately. The anticipated awards will be in the range of \$200,000 to \$300,000 per State/Tribe per year for three years for each of the regulatory and non-regulatory program areas. The project period is three years. Awards will be made to the States or Tribes based on the threshold and selection criteria detailed in this RFP. A State or Tribe can apply for either the regulatory or non-regulatory program area or both.

Funds will be reprogrammed to the appropriate EPA Regional Offices. Regional Offices will work with the States and Tribes funded under this effort to refine and finalize three-year grant work plans. EPA reserves the right to reject all proposals and make no awards.

2. **FUTURE FUNDING ELIGIBILITY**

States and Tribes that are not awarded WDP funds for demonstrating the effectiveness of their wetland programs are encouraged to strengthen their wetland programs by applying for WPDG funds and continuing the development and refinement of their wetland program.

Since the grant awards have a three-year project period, States and Tribes can receive incremental funding without having to re-compete during the three-year project period. Future funding beyond the first year depends on Congressional appropriations. For continued eligibility, States and Tribes must clearly demonstrate through annual reports that they are adequately meeting requirements of their three-year work plan.

**III. ELIGIBILITY INFORMATION**

1. **COMPLETENESS**

All proposals will be screened by EPA Headquarters staff prior to the threshold criteria and selection criteria review to determine if they include the required elements described in Section IV and are submitted in accordance with the instructions provided in this notice. Proposals submitted without the required elements are ineligible for funding under this announcement and will not be reviewed.

2. **THRESHOLD CRITERIA**

In order to be eligible for a WDP grant, an applicant must meet the following three threshold criteria. After a determination has been made that an applicant meets all three threshold criteria, decisions regarding which eligible applicants will receive grant awards will be made based on the Selection Criteria described in Section V.

A. **ELIGIBLE APPLICANTS**

The applicant must be a State or Tribal wetland agency (hereinafter States or Tribes). Tribes must be Federally recognized, although "Treatment as a State" status is not a requirement.

B. **PROPOSED WORK PLAN**

The applicant must propose a three-year grant work plan designed to investigate and demonstrate the extent to which the implementation of wetland programs results in positive

environmental outcomes, in particular no net loss, net gain, and protection of vulnerable wetlands. At a minimum, the proposed three-year work plan must contain four elements: 1) documentation and/or development of baseline wetland data and/or information, 2) scope of work for the implementation of wetland programs, 3) documentation of the environmental outcomes of the implementation of the wetland programs, including comparison with baseline wetland data and/or information, and 4) a general budget including matching funds for the total project period. Baseline wetland data may include existing and readily available data and/or information on wetland quantity and quality. For example, the Natural Resources Inventory (NRI), National Wetland Inventory (NWI) or equivalent State or Tribal inventory on the status and trends of wetland losses and gains for the State or Tribe. Additional examples of baseline wetland data are described in Section V.

A detailed budget does not need to be submitted at this time. However, a detailed budget must be part of the formal grant application process subsequent to being selected for funding under this grant program.

#### **C. COST SHARING OR MATCHING**

The applicant must provide a minimum of 25% of the total cost of the work plan in accordance with 40 CFR 31.24, 35.385, and 35.615. To determine if the minimum match is met, EPA will use the following formula:

$$\frac{\text{amount (\$) of federal funds requested from EPA}}{3} = \text{minimum match (\$)}$$

For example, if the applicant requests \$900,000 of federal funds for the three-year project period, it must be able to provide \$300,000 in matching funds or services. A reduced match may be available for Tribal grantees that place the WDP grant funds in a Performance Partnership Grant. (See regulations at 40 CFR 536(c)). Please contact your EPA Regional contact person listed in Section VII if you have any questions about calculating the match requirement. We encourage States and Tribes to provide a larger share of the project's cost whenever possible (i.e., in excess of the required 25% of total project costs).

Award recipients can meet the match requirement with contributions from entities other than themselves. However, other Federal money cannot be used as the match for this grant program unless authorized by the statute governing the award of the other Federal funds. Matching funds are considered grant funds. They must be used for the reasonable and necessary expenses of carrying out the work plan. Any restrictions on the use of grant funds (i.e., prohibition of land acquisition with grant funds) also apply to the matching funds.

#### **IV. APPLICATION AND SUBMISSION INFORMATION**

##### **1. ADDRESS TO REQUEST APPLICATION PACKAGE**

States and Tribes do not need to submit EPA grant application forms when responding to this solicitation. The required proposal format is described below. EPA will furnish standard grant forms to those States and Tribes selected for award.

##### **2. CONTENT AND FORM OF APPLICATION SUBMISSION**

A State or Tribe can apply for both or either of the regulatory or non-regulatory program

areas. A separate proposal is needed for each program area, regulatory and non-regulatory. States and Tribes must submit the required elements set forth below demonstrating how their proposal meets the threshold criteria and how well their wetland program meets the selection criteria. This information must be submitted to EPA Wetland Division Headquarters. Electronic submissions must be sent to [wetlands.grants@epa.gov](mailto:wetlands.grants@epa.gov). Hard copy submissions (four copies) must be sent by FedEx or courier and must be sent to: EPA West; 1301 Constitution Ave., NW; Room 6105; Washington DC 20004. If States or Tribes have questions, they should contact the appropriate wetland grant contact for their EPA Region (See Section VII for Agency Contacts.)

States and Tribes must use the following format. Each proposal must not exceed 18 single-sided pages (8.5 x 11 inches) excluding attachments, using 11-pitch font or larger. Pages submitted in excess of the page limit will be disregarded and will not be reviewed.

### REQUIRED ELEMENTS

#### Title Page (1 page)

- A. Project Title.
- B. Name of Applicant/Agency/Tribe.
- C. Program Area (if applying for both program areas, separate proposals must be submitted for each program area):
  - 1) Demonstration of a Regulatory Environmental Outcome Wetland Program, or
  - 2) Demonstration of a Non-Regulatory Environmental Outcome Wetland Program.
- D. Contact Information. *Name, address, phone number, fax number and e-mail address of main point of contact.*
- E. Authorized Representative. *Name, title, and phone number of individual(s) authorized to accept a grant on behalf of your organization.*

#### Threshold Criteria (maximum 2 pages)

The applicant must describe how it meets the following Threshold Criteria set forth in Section III. If the applicant fails to meet any of these criteria, the proposal will not be further evaluated based on the selection criteria and is ineligible for funding under this announcement.

- A. The applicant is a State or Tribal agency. (See Section III A.)
- B. The applicant provides a proposed three-year grant work plan. (See Section III B.)
- C. The applicant will provide the required match. (See Section III C.)

#### Selection Criteria (maximum 15 pages)

Decisions regarding which eligible applicants will receive grant awards will be based on the Selection Criteria set forth in Section VI. Proposals should provide the following information regarding how they meet the Selection Criteria.

- A. For both Regulatory and Non-Regulatory Environmental Outcome Wetland Demonstration Program applicants, describe the anticipated environmental outcomes (maximum 3 pages).
- B. For Regulatory Environmental Outcome Wetland Demonstration Program applicants, describe how the State or Tribe meets each of the following four selection criteria (maximum 12 pages):
  - a. State/Tribe wide Comprehensive Wetland Regulatory (Permit) Program.
  - b. Environmental Review Criteria Comparable to 404(b)(1) Guidelines.

- c. Compliance and Enforcement Program.
- d. Annual Reporting.

C. For Non-Regulatory Environmental Outcome Wetland Demonstration Program applicants, describe how the State or Tribe meets each of the following four selection criteria (maximum 12 pages):

- a. Comprehensive Strategy.
- b. Monitoring and Assessment.
- c. Restoration and Protection Partnerships.
- d. Outreach and Education.

D. Attachments or specific electronic links to information to support selection criteria may include copies or links to statutes and implementing regulations, guidance documents, strategies or plans, or other supporting reference material. (Note: This information is not included in the page limit.)

### 3. SUBMISSION DATES AND TIMES

The deadline for proposal submissions is set by EPA Headquarters. Proposals must be received by Headquarters by 5:00 pm Eastern Standard Time February 4, 2005. Proposals received after this date and time will be disqualified.

### 4. INTER-GOVERNMENTAL REVIEW

Applicants requested to submit a final work plan may be required to comply with Intergovernmental Review Requirements (40 CFR Part 29).

### 5. FUNDING RESTRICTIONS

Costs incurred under this grant award are subject to the cost principles set forth in OMB Circular A-87 as well as the following additional restrictions:

- Under the WDP competitive process, funds cannot be used for land acquisition or purchase of easements. However, they may support the coordination or acceleration of research, investigations, experiments, training, demonstrations, surveys, and study efforts directed at identifying areas for acquisition, which would help address water pollution problems including wetlands protection and restoration.
- This competitive grant program cannot fund payment of taxes for landowners who have a wetland on their property.
- While contractual efforts can be a part of these grants, each WDP recipient must be significantly involved in the administration of the grant. EPA recommends that recipients use no more than 50% of the grant funds to contract with non-governmental entities. However, if the applicant wants to exceed this limit, the applicant may submit a written justification for greater involvement by non-governmental contractors as part of the grant application package. EPA will evaluate the need for greater contractual participation and may approve the request if there is adequate justification to exceed the 50% limit. If the contractual work is being done by another State or Tribal agency, these entities should be clearly indicated in the grant application.
- Grant funds cannot be used to fund an honorarium under this competition.
- Purchase/lease of vehicles (including boats, motor homes) and office furniture is not

- eligible for funding under this program.
- Grant funds cannot be used to pay for travel by Federal agency staff.

## **V. APPLICATION REVIEW INFORMATION**

### **1. CRITERIA**

The selection criteria were developed to determine regulatory or non-regulatory wetland program maturity and to select the wetland programs to be implemented for demonstrating positive environmental outcomes. Applicants will be selected for award based on the selection criteria detailed below (for a total of 500 points). In addition to the selection criteria detailed below, other factors such as geographic diversity, programmatic priorities, project diversity and program diversity may be considered in selecting proposals for award.

#### **A. Selection Criteria that apply to both the Regulatory and Non-Regulatory Program Areas - Environmental Outcomes (100 points)**

Describe the proposed environmental outcomes of State or Tribal regulatory or non-regulatory program implementation and the measures of project success to be used. Include an explanation of how program implementation contributes to the long term goals of no net loss, net gain and protection of vulnerable wetlands and how the State/Tribe will track and report on these specific environmental outcomes. The State/Tribe will be evaluated based on the concreteness of the information provided on the following:

- a. Has the State/Tribe defined a no net loss and net gain goal for wetlands? Describe how the goal is defined in State /Tribal law, policy, and/or other guidance documents. (10 points)
- b. What are the primary threats to wetlands resulting in the loss of wetland acreage and/or quality (function) within the State/Tribal lands? What State/Tribal programs are in place to address these threats? (10 points)
- c. What measurable objectives have been defined to measure progress toward the no net loss goal? What tracking systems are in place to monitor these objectives? (10 points)
- d. What gains in wetland quantity or quality (function) are being achieved by the State/Tribal wetland programs? What program areas are primarily responsible for these gains (i.e. wetland restoration, watershed management, stormwater control, etc.)? (10 points)
- e. What measurable objectives have been defined to measure progress toward a net gain goal through voluntary (non-regulatory) programs? What tracking systems are in place to monitor progress toward these objectives? (10 points)
- f. Describe any special issues faced by the State or Tribe in achieving no net loss / net gain (e.g. special concerns of arid States regarding riparian areas; States having very large wetland areas; etc.). (10 points)
- g. Report on the Natural Resources Inventory (NRI), National Wetland Inventory (NWI) or equivalent State/Tribal inventory on the status and trends of wetland losses and gains for the State/Tribe. (10 points)
- h. Provide tracking information of no net loss and net gain based on permit activities for States/Tribes with a comprehensive wetland regulatory (permit) program or for States/

Tribes without a permit program, report on this information based on Corps of Engineers Section 404 permit activities. (10 points)

I. Report on the increased protection of vulnerable wetlands as a result of the WDP. (10 points)

j. Describe what qualitative or quantitative indicators will be used to measure project success. List tangible products such as reports produced to document how the WDP achieved no net loss, net gain, and protection of vulnerable wetlands within the three year grant project period, i.e., tracking and reporting. (10 points)

**B. Selection Criteria for Regulatory Program Area (400 points)**

**1. State/Tribe-wide Comprehensive Wetland Regulatory (Permit) Program (200 Points)**

Statutes and regulations and program are in place for State/Tribe to administer a statewide comprehensive wetland regulatory (permit) program that covers all waters including wetlands within the State/Tribal boundaries. Copies of statutes and implementing regulations or a link to the actual statutes and regulations should be provided. Citations to the statutes and regulations are not sufficient. The State/Tribe will be evaluated based upon how they demonstrate the following:

- Does the State/Tribe have independent authority for their wetland regulatory program? Is the State/Tribal program administered under its own statutes, regulations, policies, or guidance? Can the State/Tribal program be administered independent of the Corps' program or does the State/Tribal program rely on the Corps permit?
- Is the State/Tribal jurisdiction at least that of the Federal program? What definition of wetlands is used? How are wetlands delineated? Are wetlands included in the definition of waters of the State/Tribe?
- What activities are regulated by the State/Tribal program? Are the activities regulated at least those regulated by the Federal program?
- What exemptions exist in the State/Tribal program? If the State/Tribal program has permit exemptions, are the exemptions more extensive, less extensive or equivalent to the Federal exemptions (404(f))?
- If the State/Tribal regulatory program is based on the authority to provide Water Quality Certification under Section 401 of CWA, then the State/Tribe should provide the following information: (If 401 certification is not applicable, explain why.)
  - ▶ Explain how the State/Tribal 401 certification program provides comprehensive protection for wetland resources, beyond that provided by the Corps' permit program.
  - ▶ What regulatory responsibilities has the State/Tribe assumed under its 401 program?
  - ▶ If the State/Tribe has promulgated wetland specific water quality standards, then

demonstrate how these are used in 401 water quality certification decisions. If not, explain what standards are used and how they are appropriate for wetlands.

- ▶ Has EPA approved water quality standards for wetlands?
  - ▶ Are wetlands included in the State/Tribal definition of “waters of the state?”
  - ▶ Is there a definition for a wetland?
  - ▶ Are all public and private wetlands subject to 401 Water Quality Certification?
  - ▶ Are there designated uses that are appropriate for wetlands?
  - ▶ Are there narrative criteria that are appropriate for wetlands?
  - ▶ Are there numeric criteria that are appropriate for wetlands?
  - ▶ Are wetlands covered under the State/Tribal antidegradation policy?
  - ▶ Demonstrate that the program tracks 401 certification decisions.
  - ▶ Demonstrate that the program effectively enforces its 401 certifications to assure compliance with the conditions of certification. This can be addressed in the enforcement description (#3). However, States and Tribes should specifically address enforcement of their 401 decisions.
- What resources are dedicated to administering the State/Tribal wetland program? What is the staffing level, staff training and experience, staff turn over rate, funding, source of funding for the State/Tribal program? Has the funding and staffing level remained constant, decreased or increased over the last five years?

## **2. Environmental Review Criteria Comparable to 404(b)(1) Guidelines (75 Points)**

States and Tribes will be evaluated based upon how they demonstrate that their program achieves compliance with the 404(b)(1) Guidelines (40 CFR 230) including but not limited to, how their program addresses the following:

- 230.10(a) – Practicable alternative  
No discharge shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem so long as the alternative does not have other significant adverse environmental consequences
- 230.10(a)(3) – water dependency test – rebuttable presumption that, if the proposed project is not water dependent, a less environmentally damaging practicable alternative (LEDPA) exists.
- 230.10(b) – Prohibitions  
No discharge shall be permitted if it:
  - ▶ causes or contributes to violation of any applicable water quality standard
  - ▶ violates any applicable toxic effluent standard or prohibition under section 307 of the CWA
  - ▶ jeopardizes the continued existence of endangered or threatened species listed under the Endangered Species Act or results in likelihood of the destruction or adverse modification of critical habitat
  - ▶ violates any requirements imposed under the Marine Protection, Research and



Sanctuaries Act

- 230.10(c) – Significant degradation
  - No discharge shall be permitted which will cause or contribute to significant degradation of the waters of the United States
- 230.10(d) – “Mitigation”
  - No discharge shall be permitted unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the proposed discharge on the aquatic ecosystem
  - mitigation sequencing – avoid, minimize, compensate
- 230.11(g) – Determination of cumulative effects
  - Cumulative effects attributable to the discharge should be predicted to the extent reasonable and practicable.
  - This information should be documented and considered during the decision-making process
- 230.11(h) – Secondary effects
  - Information about secondary effects of the discharge on the aquatic ecosystem shall be considered prior to the final permit decision

**3. Compliance and Enforcement Program (75 Points)**

State/Tribes will be evaluated based upon how they demonstrate that they have an active compliance and enforcement program in place to deter violations. Program elements to be evaluated under this component are:

- What authority (statute, regulations, executive order, other) is the State/Tribal compliance program based on?
- Does the State/Tribe have the ability to assure permit conditions (including mitigation) are complied with?
- Does the State/Tribe maintain a compliance and inspection program?
- Does the State/Tribe have the ability to assess criminal and civil penalties? What level of fines are they able to assess? Does the State/Tribe use mechanisms other than penalties to assure compliance or penalize violations?
- How many inspections are conducted each year? What percentage of issued permits are inspected each year? Are criteria used to determine which sites will be inspected?
- What percentage of mitigation sites are visited each year? What performance measures are in place to ensure “success”? For how many years will mitigation sites be visited to assure success?
- Is there public input into the compliance/enforcement program? How are public “complaints” handled?
- What are the primary tools used for enforcement, i.e., voluntary restoration or other means?

**4. Annual Reporting (50 Points)**

States and Tribes will be evaluated based on their demonstrated ability to prepare an annual report assessing the operation of the State/Tribal program in the previous year that contains at least the

following items:

- Assessment of whether the State/Tribe is maintaining their base program. For continued eligibility, State/Tribes must clearly demonstrate that their programs continue to adequately protect their wetland and aquatic resources and that there is no lessening of environmental protection.
- Identification of areas of new or increased emphasis – recent program changes, innovations, emerging issues and future program objectives.
- Permitting information – number and nature of individual and general permits issued, modified, denied; number of violations identified and number and nature of enforcement actions taken; number of suspected unauthorized activities reported and nature of action taken; an estimate of extent of activities regulated by general permits; and the number of permit applications received but not yet processed
- Identification of any emerging issues and suggested actions for addressing these issues.
- Document how the WDP will report on no net loss, net gain and protecting vulnerable wetland goals and trends within three years. (This reporting is further detailed in Section V.A. Environmental Outcomes)

### **C. Selection Criteria for Non-Regulatory Wetland Program Area (400 points)**

#### **1. Comprehensive Strategy (100 points)**

##### **Definition and Purpose**

A comprehensive wetland strategy is critical to guide a State or Tribe to identify specific wetland issues and develop workable solutions that contribute to the long term goal of no net loss, net gain and protection of vulnerable wetlands. Elements of a State/Tribal strategy will vary, but should address the following: overall goal, information about the State/Tribal wetlands, assessment of current wetland protections efforts, an action plan, a funding plan, and a monitoring and evaluation plan. While the general public holds socio-economic values of wetlands across the nation, Tribes hold very specific goals and objectives related to the preservation and conservation of wetlands as they pertain to cultural and spiritual values and traditional practices. The strategy needs to be well coordinated among Federal, State, Tribal and local governments and non-governmental wetland programs so that the approach is comprehensive and designed to achieve environmental outputs.

##### **Factors to be Evaluated are:**

#### **1) Comprehensive Strategy (25 points)**

- Does the State/Tribe have a comprehensive State/Tribal wetland plan or strategy that effectively ties together monitoring and assessment, wetland restoration and protection, and outreach and education? Absent a specific wetland program plan/strategy, is there some other plan/strategy that serves as a wetland plan? (10 points)
- Document how the plan or strategy addresses elements such as an overall goal, information about the State/Tribal wetlands, assessment of current wetlands protection efforts, an action plan, a funding plan, a monitoring and evaluation plan and socio-economic values. Provide evidence of the plan/strategy implementation. (10 points)
- Is the plan/strategy State/Tribe wide, is it completed, is it currently being used and is it

periodically updated? Is it supported by successive administrations? Is there support from other organizations? (5 points)

2) Program Coordination (25 points)

- Document that the State/ Tribe has a coordinated approach to wetland protection. Does the State/Tribe have a central coordination point? Who is the point of contact? Who and what is being coordinated? (10 points)
- The State/Tribe should demonstrate outcomes of coordination activities, such as evidence of wetland restoration planning partnerships, reduction of duplication, combined processes or projects, shared training and sharing of program resources, leveraging multiple funding resources, and distribution of responsibilities. (10 points)
- Document State/Tribe coordination among a diversity of groups including interstate, Tribal and international coordination. (5 points)

3) Wetland Integration/ Watershed Approach (25 points)

Document if the State/Tribe has integrated wetland protection efforts with other water programs, such as nonpoint source and TMDL program, other water/ environmental grants that include wetlands, storm water management, 305(b) reports, water quality monitoring programs, fish and wildlife programs, forestry and range programs, watershed programs, water right issues, water diversion projects, source water protection programs, safe drinking water programs, different levels of government and affected parties and coastal zone management.

4) Program Evaluation of the Comprehensive Strategy (25 points)

- Does the State/Tribe have program performance measures? Are they being used, especially to improve existing programs or to develop new programs and approaches? Does the State/Tribe have tracking systems to evaluate program performance and is the program achieving its goals? (10 points)
- Is the information used to improve existing programs and develop new programs? Are there feed back loops from other partners? Describe how other organizations are helping the State/Tribe meet the comprehensive strategy criteria. (5 points)
- Demonstrate State/Tribal ability to prepare an annual report assessing the operation of the State/Tribal non-regulatory programs in the previous year. The annual report should contain at least the following items (10 points):
  - Assessment of whether the State/Tribe is maintaining their base program. For continued eligibility, State/Tribes must clearly demonstrate that their programs continue to adequately protect their wetland and aquatic resources and that there is no lessening of environmental protection.
  - Identification of areas of new or increased emphasis-recent program changes, innovations, emerging issues and future program objectives.
  - Identification of any emerging issues and suggested actions for addressing these issues.

**2. Monitoring and Assessment (100 points)**

### Definition and Purpose

Monitoring and assessment produces the baseline information that enables States/Tribes to document the location and extent of existing wetland resources, to analyze their ecological condition and to document trends. This information is fundamental to a wide variety of wetland management decisions and forms the basis for the no net loss and net gain goals of EPA's wetland program. Many States and some Tribes have implemented or are developing biological monitoring protocols, hydrogeomorphic assessments, and/or landscape level assessments to provide information on wetland condition in order to answer questions important to those States and Tribes. The information derived from these assessments is used to guide the implementation of specific wetland protection and restoration activities, to evaluate their overall environmental effectiveness, and to document the condition of the wetlands in Clean Water Act 305(b) reports. State/Tribal wetland monitoring and assessment program elements are adapted from the EPA document, "*Elements of a State Water Monitoring and Assessment Program*," which can be found in full text on the following site <http://www.epa.gov/owow/monitoring/elements/> .

### Factors to be evaluated are:

#### 1) Monitoring Strategy and Objectives (15 points)

- Wetland monitoring and assessment and a goal of no net loss and net gain are documented as part of the State/Tribe overall Water Monitoring Strategy. Multi-year work plans have been developed that describe the implementation of wetland monitoring and assessment activities. (5 points)
- The State/Tribe has defined the objectives of its monitoring and assessment program through a work group of relevant parties. The monitoring and assessment program has documented acquired information and is using it to meet multiple program objectives. Objectives may include, but are not limited to, the following: (a) identifying potential wetland restoration sites, (b) reporting ambient wetland condition relative to reference condition or adopted water quality standards, (c) refining water quality standards, (d) supporting watershed protection planning and (e) tracking no net loss and net gain of wetlands. (5 points)
- Demonstrate how the State/Tribal wetland monitoring and assessment program integrates with other State/Tribal water monitoring and assessment programs. Does the monitoring and assessment strategy incorporate all public and private wetlands? (5 points)

#### 2) Monitoring Design (15 points)

- An established monitoring design that reflects a comprehensive State/Tribe-wide approach, such as scheduled reviews of watersheds on a rotating basis or targeted monitoring in selected watersheds. (10 points)
- The State/Tribe uses statistically valid monitoring designs. (5 points)

#### 3) Assessment Methods (25 points)

- Describe how State/Tribe measures wetland condition in accordance with the following three-tiered assessment method: (15 points)
  - Level 1 – Landscape assessments provide information about watershed conditions

- and the distribution and abundance of wetland types in the watershed.
- Level 2 – Rapid assessments use relatively simple methods to collect data at wetland sites. Indicators used in the method can define the extent of the site disturbance.
- Level 3 – Intensive site assessments provides higher resolution information on the condition of specific wetlands within assessment areas. The detailed information gathered can be used to refine rapid assessment methods, to diagnose the causes of wetland degradation, and to develop performance standards for restoration.
- For Levels 2 and 3, document that protocols adopted for monitoring and assessing wetland condition are based on reference wetlands sites and include broader review such as a peer reviewed set of Standard Operating Procedures. (3 points)
- Demonstrate that the State/Tribe uses inner-validation among their monitoring and assessment methods to maintain accuracy (e.g. using Level 3 assessments to refine Level 2 methods). (3 points)
- Document if the State/Tribe is reporting wetland conditions relative to wetland-specific water quality standards or if the assessment methods are being used to refine the current standards. (2 points)
- Document that the monitoring and assessment program is conducted under an EPA approved quality assurance project plan (QAPP) or approved equivalent process. (2 points)

#### 4) Data Management and Analysis (15 points)

- Document use of a data management system that allows ease of access to and sharing of acquired monitoring and assessment data. (3 points)
- Document the data management system including platforms for tracking basic wetland inventory data, restoration data, regulatory and non-regulatory projects and information on the amount, quality and location of wetland gains and losses, condition/quality of wetland and wetland type. (3 points)
- Document that monitoring data is or will be submitted into the STORET (STOage and RETrieval) system. (3 points)
- Document that wetland monitoring and assessment data is included in Clean Water Act 305(b) reports. (3 points)
- Document how monitoring and assessment data are used to meet specified program objectives. (3 points)

#### 5) Mapping, Inventory and Classification (20 points)

- Document an active mapping and inventory system of wetland acreage within State/Tribe boundaries including the schedule for updating. National Wetland Inventory (NWI) digital information is available for 42% of the contiguous U.S. while paper maps are available for 90% of the contiguous U.S. Describe any supplemental verification to NWI. (10 points)
- Document use of a State/Tribal classification system based on landscape position, hydrology, and vegetation. State/Tribes can adopt an existing classification system, such as the hydrogeomorphic (HGM), the Cowardin classification system or other appropriate

ecological, science-based classification system. (10 points)

**6) Program Reporting and Evaluations (10 points)**

- Document how monitoring and assessment information is used to produce environmental benefits, relative to specified program objective. (Note: This criterion is not meant to be a measure of the overall success of a State/Tribal wetland program, rather it is directed at being able to show how success is being measured). (5 points)
- Document the process used to evaluate the effectiveness and efficiency of State/Tribal wetland monitoring and assessment program (e.g., program review by “technical advisory committee” or “policy advisory committee”). (5 points)

**3. Restoration and Protection Partnerships (100 points)**

**Definition and Purpose**

More than 50 percent of the wetlands in the contiguous United States have been lost since the beginning of European settlement. Existing regulatory programs are largely limited to offsetting current wetland impacts, while EPA and other Federal agencies have had a goal of a net increase of 100,000 acres of wetlands per year by 2005. President Bush celebrated Earth Day 2004 by announcing an aggressive new national goal to achieve an overall increase of America's wetlands over the next five years. To achieve this net gain goal, the Federal agencies will work with partners to restore, improve and protect at least three million acres of wetlands by 2009. Therefore, State/Tribes need a strategy and program that encourages and directly supports wetland restoration, creation and enhancement that add ecologically valuable wetlands to the landscape. These agencies value collaborative efforts and partnerships. Working in a watershed context with partners is a way of meeting the nation's net gain goals.

Factors to be evaluated are:

**1) Restoration Goal (10 points)**

Does the State/Tribe have a State/Tribal wetland restoration, enhancement and creation goal? Document the State/Tribal wetland goal including details on types of wetlands, amounts, location, and timeline to achieve these goals, and quality or ecologic condition.

**2) Strategy/Plan to Implement Restoration Goals (30 points)**

- Does the State/Tribe have a strategy/plan to implement the State/Tribal restoration goals? Is the plan completed? Is it State/Tribe-wide? Are provisions in place for periodic review and updating? Is there some other strategic plan that serves as a wetland restoration plan? (10 points)
- Document components of the strategy/plan that could include but are not limited to the following: (20 points)
  - The ability to identify restoration needs and prioritize wetlands and associated lands for restoration?
  - Does the State/Tribe target restoration by sector, type, geographic area, or some other criteria?
  - Use of Federal Geographic Data Committee, Wetland Subcommittee definitions of

restoration, enhancement, creation and preservation including how each are reported by the State/Tribe? If not using the Federal definitions, then what State/Tribal definitions are used?

- Timeline and performance measures for the strategy/plan?
- Tracking, reporting and evaluation components?

### 3) Implementing Restoration Goals (30 points)

- What is the State/Tribe doing to implement the restoration strategy/plan? How is the State/Tribe moving towards their program goals? State/Tribal restoration program elements that will be evaluated under this component include but are not limited to the following: (20 points)
  - Direct funding of and/or technical assistance by the State/Tribe to assist landowners or organizations carrying out wetland restoration projects. Outreach on the benefits of and opportunities for restoration on private land.
  - An active wetland restoration program on State or Tribal-owned land including project planning, implementation, monitoring and long-term management for individual projects.
  - Active research regarding effective wetland restoration techniques and methods to measure the success of restoration activities. Ability to monitor restoration sites.
  - Is the State/Tribal wetland restoration program coordinated with other agencies and entities? Provide documentation of memorandums of understanding or agreement or other appropriate avenues to document program coordination and indicate active coordination. Is there training and capacity building for organizations interested in joining restoration partnerships?
  - State/Tribal wetlands registry program to identify potential sites for restoration and completed restoration sites.
- The State/Tribe should adopt and maintain public-private partnership programs for restoring wetland resources as a means to help achieve the national goal of no net loss and net gain. Describe your State/Tribal wetland partnership programs and explain the extent to which these programs are opportunistic or strategic in undertaking restoration activities. Examples of such approaches could include but are not limited to the following: (10 points)
  - An active, funded wetland acquisition program that significantly increases the amount of wetland acreage protected each year.
  - A program that protects private wetlands through conservation easements, the purchase of development rights, or similar programs.
  - A tax incentive program that encourages protection of privately owned wetlands.
  - One-stop shopping program with access to State/Tribal and Federal programs to assist private landowners with wetland restoration and protection efforts.
  - State/Tribal coordination of an active restoration/ protection program with the business community.

### 4) Tracking/Reporting System for Wetland Restoration (30 points)

The purpose of restoration tracking is to track the quantity, quality and location of wetland losses and gains.

- Describe how the State/Tribe is actively implementing a central State/Tribe-wide tracking and reporting system for wetland restoration. Does the State/Tribal program track wetland restoration activities on State/Tribe and public and private land (all lands) within its boundaries? Can the tracking system be used to evaluate status and trends of wetland restoration? (20 points)
- To what degree does the State/Tribe identify and track the wetland restoration activities of all current program partners as well as others working on similar efforts? Does the State/Tribe know the goals of these other programs? Describe the State/Tribal role in these partnerships or these other program. (5 points)
- Are there precautions that avoid double counting of restoration projects? (5 points)

#### **4. Outreach and Education (100 points)**

##### **Definition and Purpose**

Public and stakeholder understanding of the characteristics and function of wetlands and programs to protect wetlands is essential. State/Tribal wetland programs should include, as a foundation, active outreach and education components that provide information about the importance of wetlands, as well as information about the State/Tribal wetland protection and other wetland-related programs and opportunities for wetland restoration.

Factors to be evaluated are:

##### **1) Strategic Outreach and Education Plan (25 points)**

- Describe the State/Tribal wetland outreach and education strategic plan and program including a coordinated approach with other entities that addresses both EPA goals (such as no net loss, net gain and protection of vulnerable wetlands) and State/Tribal priorities. Include information about the frequency of activities, timeline for implementation, State/Tribe-wide coverage, and how successful outreach will be evaluated for meeting short and long-term goals. (15 points)
- Describe how the strategic plan represents a coordinated and comprehensive program and how it is designed to complement outreach efforts of other local, State, Federal, Tribe and non-profit entities. (5 points)
- Discuss how related programs share information and lessons learned from the outreach and education efforts. (5 points)

##### **2) Target Audience (15 points)**

Explain how the program identifies appropriate target audiences, why those targeted audiences are important and how the outreach and education program seeks a change in attitudes and behavior. Target audiences and important stakeholders could include, but are not limited to, the following:

- Local governments
- Developers/consultants
- Landowners



- Land Trusts
- Private, non-profit organizations
- Citizens
- State/Tribe agencies
- Colleges/Universities/Extension Service
- Teachers and youth
- Watershed groups
- Community leaders, legislators, law-makers
- Others as appropriate to specific State/Tribe

### 3) Survey/Evaluate (15 points)

Describe how the State/Tribe measures outreach and education program effectiveness through surveys or other evaluation means.

### 4) Vulnerable Waters (20 points)

Describe how the State/Tribal outreach and education program specifically addresses increased awareness/protection for vulnerable waters including isolated waters (e.g., non-federal wetlands), critical wetlands and other aquatic resources.

### 5) Hands-on Volunteer Activities (10 points)

Describe outreach and education activities that engage the public in hands-on wetland activities such as monitoring and restoration which seeks to change attitudes and behaviors toward wetland protection.

### 6) Technical Assistance (15 points)

Describe the State/Tribal program to plan, design and deliver technical assistance to identified targeted audiences (e.g., technical assistance for wetland restoration or to municipalities about State and federal wetland regulations and other protection mechanisms).

## 3. REVIEW AND SELECTION PROCESS

Once received and screened for completeness (see Section III.1.), proposals will be reviewed by a review panel composed of EPA Regional staff (from the affected Regions) and Headquarters staff for threshold purposes as described in Section III.2. Proposals that pass the threshold criteria, will then be evaluated and ranked by the review panel based on the selection criteria described in Section V. EPA Regional staff will be responsible only for reviewing proposals submitted from within their Region. Proposals that do not pass the threshold criteria will not be further evaluated and will be rejected. Final selection decisions, which will be made by Headquarters staff, will be based on the evaluations conducted by the review panels and may also take into account the other factors described in Section V such as geographic diversity, programmatic priorities, project diversity and program diversity.

After final selection decisions are made, EPA Regional Offices will work with the successful States and Tribes to assist in finalizing grant work plans which detail the budget and activities that will be accomplished with the WDP funding.

## **VI. AWARD ADMINISTRATION INFORMATION**

### **1. AWARD NOTICE**

All applicants and EPA Regions will be notified by the Headquarters Office on whether or not the applicant has been selected for funding. The notification is not an authorization to begin performance. The Grant Award document signed by the appropriate grant official in the EPA Regional Office is the authorizing document.

### **2. BUDGET AND WORK PLAN DEVELOPMENT FOR STATES/TRIBES SELECTED**

States and Tribes selected for funding under the WDP will have 60 calendar days to develop and submit final detailed three-year work plans to their EPA Region. The final work plans must be designed to investigate and demonstrate the extent to which the implementation of wetland programs result in positive environmental outcomes, in particular no net loss, net gain, and protection of vulnerable wetlands. The final detailed work plans must contain at a minimum, the following four elements: 1) documentation and/or development of baseline wetland data and/or information, 2) scope of work for the implementation of wetland programs, 3) documentation of the environmental outcomes from the implementation of the wetland programs, including comparison with the baseline wetland data and/or information, and 4) a detailed budget including matching funds for the total project period.

Baseline wetland data may include existing and readily available data and/or information on wetland quantity and quality. For example, the Natural Resources Inventory (NRI), National Wetland Inventory (NWI) or equivalent State or Tribal inventory on the status and trends of wetland losses and gains for the State or Tribe. Additional examples of baseline wetland data are described in Section V.

### **3. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

WDP grants are governed by regulations at 40 CFR Part 31 (“Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”) and 40 CFR Part 35, Subpart A (“Environmental Program Grants for State, Interstate, and Local Government Agencies”) and Subpart B (“Environmental Program Grants for Tribes”).

### **4. REPORTING**

WDP grants are governed by regulations at 40 CFR Part 31 and 40 CFR Part 35, Subpart A and Subpart B. These regulations specify basic grant reporting requirements, including performance and financial reports (see 40 CFR 31.40, 31.41, 35.115, and 35.515). In negotiating these grants, EPA will work closely with recipients to incorporate appropriate performance reporting requirements into each grant agreement consistent with 40 CFR 31.40, 35.115, and 35.515. These regulations provide some flexibility in determining the appropriate content and frequency of performance reports. At a minimum, however, the reporting schedule must require the recipient to submit semi-annual progress reports, annual reports and a final report.

### **5. DISPUTES**

Disputes will be resolved in accordance with 40 CFR 30.63 and Part 31, subpart F.

## **VII. AGENCY CONTACTS**

If States or Tribes have questions, they should contact the appropriate wetland grant contact for their EPA Region.

### **EPA HEADQUARTERS**

Donna An, US EPA Wetlands Division, 1200 Pennsylvania Avenue, NW, MC 4502T, Washington, DC 20460. Phone: 202-566-1384. [an.donna@epa.gov](mailto:an.donna@epa.gov)

### **EPA REGIONS**

Region 1 - CT, ME, MA, NH, RI, VT

Jeanne Cosgrove, US EPA Region 1, 1 Congress Street, MC CSP, Suite 100, Boston, MA, 02114. Phone: 617-918-1669. [cosgrove.jeanne@epa.gov](mailto:cosgrove.jeanne@epa.gov)

Region 2 - NJ, NY, PR, VI

Kathleen Drake, US EPA Region 2, 290 Broadway, NY, NY, 10007. Phone: 212-637-3817. [drake.kathleen@epa.gov](mailto:drake.kathleen@epa.gov)

Region 3 - DE, MD, PA, VA, WV, DC

Alva Brunner, US EPA Region 3, 1650 Arch Street, MC 3EA30, Philadelphia, PA, 19103. Phone: 215-814-2715. [brunner.alva@epa.gov](mailto:brunner.alva@epa.gov)

Region 4 - AL, FL, GA, KY, MS, NC, SC, TN

Jennifer Derby, US EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA, 30303. Phone: 404-562-9401. [derby.jennifer@epa.gov](mailto:derby.jennifer@epa.gov)

Region 5 - IL, IN, MI, MN, OH, WI

Cathy Garra, US EPA Region 5, 77 West Jackson Blvd., MC WW16J, Chicago, IL, 60604. Phone: 312-886-0241. [garra.catherine@epa.gov](mailto:garra.catherine@epa.gov)

Region 6 - AR, LA, NM, OK, TX

Tyrone Hoskins, US EPA Region 6, 1445 Ross Avenue, MC 6WQ-AT, Dallas, TX, 75202. Phone: 214/665-7375. [hoskins.tyrone@epa.gov](mailto:hoskins.tyrone@epa.gov)

Region 7 - IA, KS, MO, NE

Kathy Mulder, US EPA Region 7, 901 North Fifth Street, Kansas City, KS, 66101. Phone: 913-551-7542. [mulder.kathy@epa.gov](mailto:mulder.kathy@epa.gov)

Region 8 - CO, MT, ND, SD, UT, WY

Brent Truskowski, US EPA Region 8, 999 18<sup>th</sup> Street, Suite 300, Denver, CO, 80202. Phone: 303-312-6235. [truskowski.brent@epa.gov](mailto:truskowski.brent@epa.gov)

Region 9 - AZ, CA, HI, NV, AS, GU

Suzanne Marr, US EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105. Phone: 415-972-3468. [marr.suzanne@epa.gov](mailto:marr.suzanne@epa.gov)

Region 10 - AK, ID, OR, WA

David Kulman, US EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. Phone: 206-553-6219. [kulman.david@epa.gov](mailto:kulman.david@epa.gov)

## **VIII. OTHER INFORMATION**

### **1. QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)**

QA/QC and peer review are applicable to these grants (see 40 CFR 31.45.) QA/QC

requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as databases or literature. Applicants should allow sufficient time and resources for this process. EPA can assist applicants in determining whether QA/QC is required for the proposed project. If QA/QC is required for the project, the applicant is encouraged to work with the appropriate EPA quality staff to determine the appropriate QA/QC practices for the project. If the applicant has an EPA-approved quality assurance project plan and it covers the project in the proposal, then they need only reference the plan in their proposal. Contact the appropriate Headquarters or EPA Regional Office Wetland Grant Coordinator (See Section VII for Agency Contacts) for referral to an EPA quality staff.

## 2. PUBLIC PARTICIPATION

EPA regulations require public participation in various Clean Water Act programs including grants (40 CFR Part 25). Each applicant for EPA financial assistance shall include tasks for public participation in their project's work plan submitted in the grant application (40 CFR 25.11.) The project work plan should reflect how public participation will be provided for, assisted, and accomplished.

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